

APPENDIX B

PORTRAIT OF JUDGE DANIEL, PRESENTED TO THE SUPREME COURT ON WEDNESDAY, 27 APRIL, 1892

Mr. WILLIAM H. DAY said—

Mr. Chief Justice:

I am directed by the children of Judge JOSEPH J. DANIEL to present to this Court the portrait of their illustrious father. In doing this, it is proper I should speak somewhat of him as a man, and also as a judge. He was born on 13 November, 1784; entered the University in 1804; read law under Gen. William R. Davie in the county of Halifax; was a member of the Legislature from 1807 to 1811; was elected a judge of the Superior Court by the Legislature at its session of 1816; was a member of the Convention of 1835; was elected Associate Justice of the Supreme Court by the Legislature at its session of 1832.

On 1 January, 1822, he was married to Maria B. Stith, who was a daughter of Bassett Stith and Polly Long, whose beauty and virtues were such that her neighbors named her "the divine Polly Long." He died in Raleigh on 10 February, 1848, and left surviving him three children—William A. Daniel of Weldon, whose only child bears the name of his grandfather, Joseph J. Daniel, and resides in the county of Halifax; Mary Long Daniel, who married George L. Gordon of Albemarle, Virginia, and from which marriage were born James L. Gordon, of Charlottesville, Va., Mary Long Gordon, now the wife of Dr. R. H. Lewis, of this city, and Armistead C. Gordon, of Staunton, Va., who has enriched our literature with the beautiful idyl of "My Boy Kree"; Lavina Bassett Daniel, who married Turner W. Battle, of the county of Edgecombe, and from which marriage were born Jacob Battle, of Rock Mount; Joseph Daniel Battle, of Alven Texas; Turner W. Battle, Jr., of Norfolk, Va.; Gordon Battle, of New York, and Gaston Battle, of the county of Edgecombe. These, by the gentle qualities of a true manhood and true womanhood, have illustrated the virtues of their noble ancestor.

As a man, his marked characteristic was his gentle, genuine kindness to all. In the county in which I live, and where he was born and had his home, the traditions of his life, at this distant day into legends grown, follow after him, and are yet instinct with the life of what is good. His personality was antique in its simple grandeur. The first Alexander of Russia, after June, 1815, discussing the settlement of Europe with the French envoy, who was importunate for a written charter, said: "My people have no charter." Talleyrand replied: "Yes, sire, they have your personal character; that is their charter." So Judge DANIEL's personal character was the patent which stamped him nature's nobleman. In his sympathies he was as broad as humanity itself. In his life's creeds he was more catholic than the Roman Catholic who benched by his side. The poor—his poor—looked for his coming from his duties at court as the return of a good angel. To him they came for material aid and for counsel. His purse opened to their demands; his supreme knowledge, almost universal in its scope, he gave for their guidance.

The poverty of our State's history comes from our ignorance of the lives of our dead men. With curious neglect we are willing such priceless ex-